



Paper No. 24

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**OFFICE OF PETITIONS**

In re Application of  
Hogrefe, et al.  
Application No. 08/957,709  
Filed: October 24, 1997  
Attorney Docket No. 4121.0116-01

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 20, 2001 and resubmitted July 19, 2001, to revive the above-identified application.<sup>1</sup>

The petition is **GRANTED**.

This application became abandoned for failure to file an appeal brief within 2 months of the filing of the May 23, 2000 Notice of Appeal. Petitioners filed an Amendment under 37 CFR 1.116 on August 22, 2000 and a one month extension of time with required fee under 37 CFR 1.136(a) (certificate of mailing date August 16, 2000). No further extension of time being obtained under 37 CFR 1.136(a), the application became abandoned on August 24, 2000. A Notice of Abandonment was mailed on March 1, 2001.

Petitioners' reply is a RCE, filed July 19, 2001, and the previously not entered Amendment under 37 CFR 1.116, filed August 22, 2000.

Pursuant to petitioners' authorization, Deposit Account No. 06-0916 will be charged \$620.00 for the filing of a petition to revive under an unintentional standard and \$ 355.00 for the filing of a RCE.

The application file is being forwarded to Technology Center 1600 for processing the RCE, filed July 19, 2001, and consideration of the Amendment under 37 CFR 1.11, filed August 22, 2000.

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<sup>1</sup> The Office has no record of receiving the February 20, 2001 facsimile transmission of the petition to revive. However, petitioners have submitted a copy of the petition that contains a certificate of facsimile transmission that shows February 20, 2001 as the transmission date and a copy of the sending unit's report confirming successful completion of transmission. Therefore, it is concluded that the petition was filed on February 20, 2001 and was subsequently misplaced in the Office.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, reading "E. Shirene Willis".

E. Shirene Willis  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy